

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

ABBVIE INC ET AL

CASE NO. 6:23-CV-01307

VERSUS

JUDGE ROBERT R. SUMMERHAYS

JEFFREY LANDRY

MAGISTRATE JUDGE CAROL B.  
WHITEHURST

ORDER

On September 30, 2024, the Court entered Judgment on pending motions for summary judgment dismissing all claims by Plaintiffs. Defendant Liz Murrill has now filed a Motion for Attorney Fees [ECF No. 91] requesting attorney fees as the prevailing party. Defendant acknowledges that under Fifth Circuit jurisprudence, under Section 1988, a court may award attorney fees “to a prevailing defendant in a § 1983 case if ‘the plaintiff’s underlying claim was frivolous, unreasonable or groundless.’”<sup>1</sup> Defendant specifically states that she “does not argue that Plaintiffs’ claim meets that standard,”<sup>2</sup> but rather that she makes the motion to question the standard. The Court finds that there is no basis or even suggestion that Plaintiffs’ claims were frivolous, unreasonable or groundless and under Fifth Circuit jurisprudence, Defendant is not entitled to attorney fees. Accordingly,

---

<sup>1</sup> *Loftin v. City of Prentiss*, 33 F.4th 774, 783 (5th Cir. 2022) (emphasis added) (quoting *Merced v. Kasson*, 577 F.3d 578, 595 (5th Cir. 2009)).

<sup>2</sup> ECF No. 91-3, p. 3.

IT IS ORDERED THAT Defendant's Motion for Attorney Fees [ECF No. 91] is DENIED.

THUS DONE in Chambers on this 11th day of April, 2025.



---

ROBERT R. SUMMERHAYS  
UNITED STATES DISTRICT JUDGE